

MAIL STOP PCT

Attorney Docket: 26979U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: Unknown

SIMANOVSKY

Examiner: Unknown

Appl. No.: 10/550,189

Confirmation No.: 7301

Filed:

September 21, 2005

Attorney: GMN/GBK/AGZ

Internatl. Appl. No.: PCT/IL2004/000296

Internatl. Filing Date: 31 March 2004 (31.03.2004)

Title: IMPLANT FOR TREATING IDIOPATHIC SCOLIOSIS AND A METHOD FOR USING THE SAME

TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Information Disclosure Statement;
- 3) PTO Form-1449 citing four (4) references;
- 4) Three (3) references attached; and
- 5) International Search Report.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted, NATH & ASSOCIATES PLLC

By:

Gary M. Nath

Registration No. 26,965

Jerald L. Meyer

Registration No. 41,194

Ari G. Zytcer

Registration No. 57,474

Customer No. 25029

Date: August <u>18</u>, 2006 NATH & ASSOCIATES PLLC 112 South West Street Alexandria, VA 22314 Phone: 703-548-6284

Fax: 703-683-8396

Attorney Docket No. 26979U

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- [X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

- [] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
- [] ii. a check in the amount required by 37 C.F.R. § 1.17(p).
- [] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.
 - [] Certification report(e) below; and
 - [] a check in the amount as required by § 1.17(p).
- [] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.
- [] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

-] Appropriate certification is attached. [
- [X] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.
- [X]g. Copies of the documents are attached herewith with a completed Form PTO-1449.

And/or

Copies of the documents are not attached as] h. allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

And/or

[X] i. Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

By:

Gary M. Nath

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Respectfully submitted, NATH & ASSOCIATES PLLC

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Page 1 of

Attorney Docket No.: 26979U

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			U.S.	PATENT DO	CUMENTS		1	
Examiner Initial			Publi	Issue / cation Date 26, 1981	Inventor Keene		Filing Date June 4, 1979	
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				OTHER				
Examiner Initial								
	B1	DUBOUSSET et al., "Die CD-Instrumentation in der Behandlung von Wirelsäulendeformitäten/CD instrumentation for spinal deformities," Orthopäde (1989) 18: 118-127.						
	В2	MOHAIDEEN et al., "Not all rods are Harrington-An overview of spinal instrumentation in scoliosis treatment," Pediatr. Radiol. (2000) 30: 110-118.						
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Attorney Docket No.:26979U

FORM PTO-1449
INFORMATION DISCLOSURE CITATION

In re Application of:

SIMANOVSKY

Serial No:

10/550,189

Filed:

September 21, 2005

Unknown

Examiner:

Unknown

				FORE	IGN PATENT DOC	UMENTS	
Examiner Initial		Docum	nent Nu		Publication Date	•	Translation
	C1	EP 0	470 6	60 A1	02/12/92	European Patent	n/a
							
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Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.